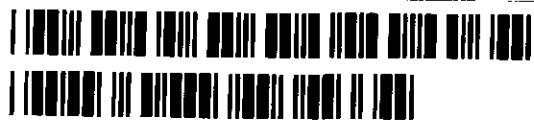


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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
BY WESTERN DISTRICT OF WASHINGTON  
DEPUTY



09-CV-00266-CMP

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 2 Email: [tdulcich@schwabe.com](mailto:tdulcich@schwabe.com)  
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 5 SCHWABE, WILLIAMSON & WYATT, P.C.  
 6 1420 5<sup>th</sup> Avenue, Suite 3010  
 Seattle, WA 98101  
 Telephone: 206-622-1711  
 Fax: 206-292-0460

7 Of Attorneys for Defendant  
 8 Society of Jesus, Oregon Province

9  
 10 IN THE UNITED STATES DISTRICT COURT

11 FOR THE WESTERN DISTRICT OF WASHINGTON

12 J.E., an individual,

No. CO 9-0266 JLR

13 Plaintiff,

King County Court Case  
 14 No. 08-2-35987-5 SEA

15 vs.  
 16 SOCIETY OF JESUS, OREGON  
 17 PROVINCE, an Oregon Corporation;  
 SEATTLE UNIVERSITY, a Washington  
 corporation,

18  
 19 Defendants.

**NOTICE OF REMOVAL PURSUANT TO  
 28 U.S.C. 1452 AND BR 9027**

20 Defendant Society of Jesus, Oregon Province ("Debtor"), hereby removes the above-  
 21 captioned action to this court, based on the following facts:

22 1. On February 17, 2009 (the "Petition Date"), Debtor filed a voluntary petition for  
 23 relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. sections  
 24 101 *et seq.* (the "Bankruptcy Code") in the United States Bankruptcy Court for  
 25 the District of Oregon, Portland Division. Debtor's Chapter 11 case is being  
 26

administered under Case No. 09 30938-ELP. The assigned Judge is the Honorable Elizabeth L. Perris.

2. The above-referenced state action was commenced prior to the Petition Date by the filing of a complaint in the King County Court, State of Washington.
3. The claims raised in this case may be removed to this Court. Removal is proper because: (a) the claims are asserted in a civil action; (b) the claims are not exempt from removal; and (c) this Court has subject matter jurisdiction over the removed claims pursuant to 28 U.S.C. sections 1441, 1452 and 1334. These claims raise federal questions and are related to Debtor's bankruptcy proceeding. *See Calumet National Bank v. Levine*, 179 B.R. 117, 120 (N.D. Ind. 1995) (stating that "related to" jurisdiction includes tort claims that "might result in a substantial judgment against [the debtor] and, in turn, a claim against the bankruptcy estate").
4. Pursuant to 28 U.S.C. section 1452 removal to this court is proper because it is the "the district court for the district where [plaintiffs'] civil action is pending." 28 U.S.C. § 1452.
5. Removal is timely pursuant to BR 9027(a)(2) because the claims were pending before the Petition Date and this Notice has been filed within 90 days of the Order for Relief from the Bankruptcy Court.
6. Consent of co-defendants, if any, is not necessary for removal under 28 U.S.C. Section 1452. *See Cal. Pub. Empl. Ret. Sys. V. Worldcom, Inc.*, 368 F.3d 86 (2d Cir. 2004).
7. Upon removal, all proceedings with respect to the removed claims and causes of action are core proceedings, except the liquidation or estimation of contingent or unliquidated personal injury tort claims against the bankruptcy estate for purposes of distribution in the Bankruptcy Case. 28 USC § 157(b)(2)(B). As to any non-core proceedings concerning such claims, Debtor consents to entry of final orders

1 or judgment by the bankruptcy judge, but only if the case is transferred to the  
2 United States District Court or the United States Bankruptcy Court for the District  
3 of Oregon.

4 8. Pursuant to BR 9027(a)(1), this Notice is accompanied by copies of all process  
5 and pleadings filed in the state court action.

6 Pursuant to BR 9027(b), a copy of this Notice is being served on counsel of record for all  
7 parties.

8 Dated this 27th day of February, 2009.

9 SCHWABE, WILLIAMSON & WYATT, P.C.  
10

11 By: 

12 Thomas V. Dulcich, WSBA #13807  
13 Renea I. Saade, WSBA #30044  
14 Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that on the 27th day of February, 2009, I served the foregoing **NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. 1452 AND BR 9027**, on the following parties at the following addresses:

Michael T. Pfau, Esq. (by hand)  
Pfau Cochran Vertetis Kosnoff, PLLC  
701 Fifth Avenue #4750  
Seattle, WA 98104

Michelle Menely, Esq. (by hand)  
Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim, LLP  
600 University St., Suite 2100  
Seattle, WA 98101-4185

F. Mike Shaffer, Esq. (by mail)  
Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim, LLP  
1201 Pacific Avenue, Suite 2100  
Tacoma, WA 98402

**Counsel for Plaintiff**

Colleen Kinerk, Esq. (by hand)  
Cable, Langenbach, Kinerk & Bauer, LLP  
1000 Second Avenue, Ste. 3500  
Seattle, WA 98104-1048

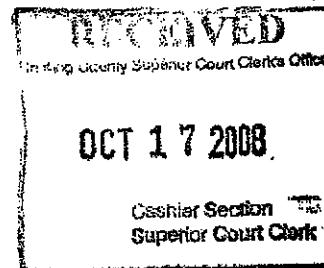
## **Counsel for Seattle University**

by:

- U.S. Postal Service, ordinary first class mail
- U.S. Postal Service, certified or registered mail, return receipt requested
- hand delivery
- facsimile
- electronic service
- other (specify) As specified above

Renea Saade

  
K. S. Sade



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OCT 23 2008

SCHWABE, WILLIAMSON & WYATT

SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

J.E., an individual,

Plaintiff,

vs.

SOCIETY OF JESUS, OREGON PROVINCE,  
an Oregon Corporation; SEATTLE  
UNIVERSITY, a Washington corporation,

Defendants.

08-2-35987-5 SEA  
NO.

SUMMONS

TO ALL NAMED DEFENDANTS:

A lawsuit has been started against you in the above-entitled court by Plaintiff. Plaintiff's claims are stated in the written Complaint, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the Complaint by stating your defense in writing, and serve a copy upon the person signing this Summons within 20 days after the service of this Summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where Plaintiff is entitled to what he asks for because you have not responded. If you serve a notice of appearance on the undersigned person, you are entitled to notice before a default judgment may be entered.

SUMMONS - 1 of 2  
[195551 v02.doc]

LAW OFFICES  
GORDON, THOMAS, HONEYWELL, MALANCA,  
PETERSON & DAHEIM LLP  
ONE UNION SQUARE  
600 UNIVERSITY, SUITE 2100  
SEATTLE, WASHINGTON 98101-4185  
(206) 678-7500 - FACSIMILE (206) 678-7575

COPY

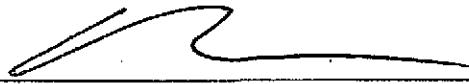
1 Any response or notice of appearance which you serve on any party to this lawsuit  
2 must also be filed by you with the court within 20 days after the service of Summons,  
3 excluding the day of service.  
4

5 If you wish to seek the advice of an attorney in this matter, you should do so promptly  
6 so that your written response, if any, may be served on time.  
7

8 This Summons is issued pursuant to Rule 4 of Civil Rules for Courts of Limited  
9 Jurisdiction.  
10

11 Dated this 17th day of October, 2008.  
12

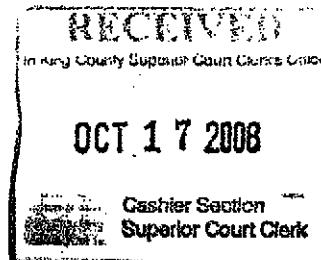
13 GORDON, THOMAS, HONEYWELL, MALANCA,  
14 PETERSON & DAHEIM LLP  
15

16 By   
17

18 Michael T. Pfau, WSBA No. 24649  
19 Attorneys for Plaintiff  
20  
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SUMMONS - 2 of 2  
[195551 v02.doc]

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OCT 23 2008

SCHWABE, WILLIAMSON & WYATT

SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

J.E., an individual,

08-2-35987-5 SEA  
NO.

Plaintiff,

COMPLAINT FOR DAMAGES

vs.

SOCIETY OF JESUS, OREGON PROVINCE,  
an Oregon Corporation; SEATTLE  
UNIVERSITY, a Washington corporation,

Defendants.

COMES NOW Plaintiff, by and through his undersigned attorneys, and claims damages from the Defendant(s).

I. INTRODUCTION

1.1 This is an action seeking damages for injuries caused by Father Michael Toulouse's sexual abuse of the plaintiff, after the Defendants knew or should have known he was a pedophile but failed to protect children under his care.

1.2 Toulouse was a priest in the service of the Defendant Oregon Province of the Society of Jesus ("Society of Jesus") until his death. The Defendant, Society of Jesus, first assigned him in 1946 to teach boys at a Jesuit high school in Spokane. In 1951, the parent of a 14-year old student reported that Toulouse had sodomized his son for a period of months. Toulouse admitted having sexual contact with the boy. The Defendant Society of Jesus told

COMPLAINT FOR DAMAGES - 1 of 11  
[195439]

OPY

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the family not to call the police, and promised them Toulouse would be removed from Spokane.

1.3 The Defendant Society of Jesus reassigned Toulouse to a teaching position at Seattle University and moved him to Seattle. He resumed grooming boys for sex and engaging in sexual acts with them. At all times, he lived with other priests of the Society of Jesus on or near the campus of Seattle University. In 1965, he was caught having sex with boys and the crime was reported to Seattle University and to the Jesuits. They apparently took no action or ineffective action, and the abuse continued.

1.4 In 1967, Toulouse was again caught having sexual contact with another boy, this time a boy who had been assigned to his care under a "big brother" program with King County juvenile authorities. This time, a friend of the boy's mother—a priest himself—wrote to Defendants reporting the crime. Again, Defendants took no action or ineffective action.

1.5 In the 1960s, Toulouse's alcohol use worsened and he became more aggressive in his sexual advances toward boys. These sexual assaults occurred on the campus of Seattle University, at private residences, in Toulouse's car, on trips and outings, and at various parishes in the greater Seattle area. Multiple survivors have reported that Toulouse molested and/or raped them as children in the 1950s, 1960s and 1970s.

## II. FACTS

2.1 In the early 1950s, the Defendant Society of Jesus investigated a father's report that Jesuit Priest Fr. Michael Toulouse had sodomized his son, a boy under Toulouse's care. The boy was an altar server at St. Aloysius Parish in Spokane where Toulouse gave daily mass. The boy reported that Toulouse had been having sex with him in Toulouse's room at the Jesuit residence at Gonzaga University for months. The Defendant Society of Jesus investigated the report. Toulouse admitted having sexual contact with the boy, but claimed

1 that the boy was the aggressor. In fact, at the same time he was regularly having sex with the  
 2 boy in the mornings, Toulouse was also having sex with another boy of about the same age, a  
 3 student at Gonzaga High School.

4       2.2 Instead of firing Toulouse, the Society of Jesus reassigned him to a teaching  
 5 position at Seattle University. Fr. Albert LeMieux, the President of Seattle University at that  
 6 time, served as senior administrator for the Oregon Province, Society of Jesus, and was  
 7 therefore personally aware of Toulouse's sexual contact with the boy in Spokane. Toulouse's  
 8 evaluations at Seattle University reflected that he was a gregarious but mediocre teacher who  
 9 could not be trusted around students.

10      2.3 Despite specific knowledge that Fr. Toulouse was a pedophile, neither Seattle  
 11 University nor the Oregon Province of the Society of Jesus took any steps to prevent him  
 12 from molesting children while he was acting as a priest and teacher at Seattle University.

13      2.4 Toulouse, with other priests of the Defendant Oregon Province of the Society  
 14 of Jesus, lived in a residence hall belonging to Defendant Seattle University, and were known  
 15 as a Jesuit Community. Jesuits in the Community worked at Seattle University under an  
 16 arrangement with the Oregon Province. The Defendant Province approved all assignments  
 17 and living arrangements. Both the Province and the University oversaw the activities of Jesuit  
 18 teachers who, like Toulouse, lived in the Community.

19      2.5 High-ranking officials at the University were often administrators for the  
 20 Province as well. For example, in 1950 (when Toulouse was first investigated for sodomizing  
 21 a boy in Spokane) the President of Seattle University, Albert LeMieux, also was on the  
 22 highest-ranking leadership committee in the Oregon Province ("the Consultants"), and  
 23 Fr. LeMieux also served as the highest-ranking official overseeing the Seattle Community.  
 24 Another example was Fr. Harold Small who also served both as a Seattle University official,

1 and as the Provincial, or chief executive, of the Oregon Province. In the 1960s, other  
 2 examples were Fr. John Fritterer, who served as a Dean and President at Seattle University  
 3 and as Superior in the Seattle Community. Fr. Joseph Perri served both as the Superior for the  
 4 Seattle Community on behalf of the Province, and as a Vice President of the University.  
 5 Fr. James McGoldrick was active in leadership in the Province, and in the Roman Catholic  
 6 churches of Seattle, and a Dean at Seattle University. More recently, Fr. Stephen Sundborg  
 7 served as the Provincial over the Oregon Province and as the President of Seattle University,  
 8 and as the head of the Seattle Jesuit Community. Each Jesuit priest employed at Seattle  
 9 University was directed by, and acted on behalf of, the Seattle Jesuit Community, the Oregon  
 10 Province and on behalf of Seattle University.

12 2.6 At all relevant times after the Oregon Province of the Society of Jesus moved  
 13 him to Seattle, Fr. Toulouse lived on the campus of Seattle University in the Jesuit  
 14 Community. He took teenaged boys to the Community residence hall and sexually abused  
 15 boys there. From the 1950s onward, Toulouse formed friendships with Catholic families in  
 16 the Seattle area and began to groom their sons for sex. A number of the boys reported the  
 17 abuse. In addition to abuse occurring on the campus of Seattle University, children were also  
 18 abused on trips, in cars, and at local parish rectories.

20 2.7 In one Seattle area family, he groomed and sexually abused three brothers for  
 21 several years in the 1950s and 1960s. When the parents learned of the abuse, they reported it  
 22 to Fr. James McGoldrick, a prominent Jesuit and a Dean of Seattle University, who happened  
 23 to share the same residence as Toulouse. Fr. McGoldrick apparently agreed to keep Toulouse  
 24 away from the family. Toulouse continued to molest other children instead.

25 2.8 In 1967, Fr. McGoldrick arranged for Toulouse to serve as a "Big Brother" for  
 26 another teenaged boy, who was the son of a family friend and the nephew of an intending

1 Jesuit. Beginning in their first meeting, Toulouse began to sexually abuse the boy. After a  
 2 time, the boy reported the sexual abuse to his mother. She called Fr. McGoldrick, the second  
 3 such report in less than three years. This time both the boy's mother, and Father Earl  
 4 LeRiviere, another priest, wrote letters to the Jesuit Community requesting action against  
 5 Toulouse.

6       2.9   Many families were taken in by Toulouse's priestly demeanor and his good  
 7 standing as a priest and educator, and allowed him to be alone with their children, as a direct  
 8 result of the Defendants' misconduct. By 1968, the Defendants had received multiple reports  
 9 indicating Fr. Toulouse was a predatory, aggressive pedophile who was sexually assaulting  
 10 boys at Seattle University and in other locations. The Defendants failed to take any affective  
 11 action to prevent Toulouse from continuing to molest children.

12       2.10   Thus, in 1968 or 1969, Fr. Toulouse sexually abused Plaintiff J.E. As a Jesuit  
 13 priest at Seattle University, Fr. Toulouse came to know Plaintiff's parents. On one occasion,  
 14 Plaintiff came home to find Fr. Toulouse at his home, socializing with his parents. Because of  
 15 his status as a Jesuit priest at Seattle University, Father Toulouse was able to convince  
 16 Plaintiff's parents to allow him to accompany Father Toulouse on drive across town for an  
 17 errand. During the drive, Fr. Toulouse sexually abused Plaintiff J.E.

18       2.11   The Oregon Province of the Society of Jesus and Seattle University engaged in  
 19 extensive efforts to raise money and other support for their enterprises. Both Defendants also  
 20 relied on the faith and trust of Roman Catholics in the Northwest, for revenue and other  
 21 support.

22       2.12   Defendants knew or believed that public disclosures of a predatory pedophile  
 23 like Father Toulouse would damage their efforts to raise money and support for their  
 24 enterprises.

25  
 26  
 COMPLAINT FOR DAMAGES - 5 of 11  
 [195439]

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1       2.13 At all times, the Defendants had full authority to expel Toulouse from his  
 2 position of power as a Jesuit teacher and priest. Even before 1950, the Jesuits had discussed  
 3 expelling him from their organization, but did not.  
 4

5       2.14 In the 1950s and 1960s, the Oregon Province of the Society of Jesus covered  
 6 up sexual misconduct by its priests by discounting or discouraging complaints of victims and  
 7 transferring abusive priests to new locations in secret.  
 8

9       2.15 Plaintiff brings this action to seek an accounting of his losses, and just  
 10 compensation for the injuries to his childhood, his innocence, the broken trust that he placed  
 11 in the Defendants, and for the extreme mental and physical anguish he has experienced.  
 12 Plaintiff suffered sexual abuse as a result of the Defendant's acts and omissions. Plaintiff  
 13 suffered additional injuries when he learned that these Defendants betrayed his trust, and the  
 14 trust of his parents and family, when they failed to protect him after learning of Toulouse's  
 15 pedophilia. Finally, Plaintiff suffered when the defendants failed to investigate Toulouse and  
 16 make efforts to rectify the situation.  
 17

### III. PARTIES

18       3.1 Defendant, Society of Jesus, Oregon Province, is an Oregon corporation doing  
 19 business in Washington State. Its Seattle Community is located on the premises of Seattle  
 20 University.  
 21

22       3.2 Defendant, Seattle University, is a Washington corporation doing business in  
 23 Washington State, with a principal place of business in Seattle.  
 24

### IV. CAUSES OF ACTION

25       4.1 Michael Toulouse was ordained as a Jesuit priest in June 1942. He worked at  
 26 Gonzaga High School from 1946 to 1950 and at Seattle University from 1951 until his death  
 in June, 1976. From the beginning, he lacked the character and intelligence desirable in a

1 priest. His superiors noted that as a student, "by no means is he learning to be a priest", and  
 2 "he lacks rectitude and prudence." They wrote in 1938 that he did not observe the religious  
 3 rules of the Order, despite repeated warnings, and concluded "he has been asked to leave, but  
 4 now wishes another trial. All Consultors and Fr. Provincial feel that he should leave." (The  
 5 Consultors were the Province's Executive Board; the Fr. Provincial was the highest-ranking  
 6 executive in the Province).

7  
 8 4.2 At all relevant times, Michael Toulouse served as a Jesuit Priest for the Society  
 9 of Jesus, Oregon Province, and was under its supervision and control. At all times after  
 10 October, 1951, he was under the supervision and control of both the Oregon Province, its  
 11 Seattle University Community, and Seattle University.

12  
 13 4.3 Prior to Toulouse molesting Plaintiff J.E., senior priests in the Oregon  
 14 Province of the Society of Jesus, including but not limited to Fr. Prange, Fr. Francis Corkery,  
 15 Fr. Albert LeMieux, Fr. Harold Small, Fr. James McGoldrick, Fr. Joseph Perri, Fr. Earl  
 16 LeRiviere, and others, learned and in some cases reported to superiors that Toulouse had  
 17 engaged in sexual acts with minor children and that he had sexually molested adolescent or  
 18 pre-adolescent boys by exploiting his position as a priest. By these reports, the Society of  
 19 Jesus and Seattle University Jesuit Community knew or should have known that Toulouse  
 20 would continue to exploit his status and offices within the Catholic Church to molest more  
 21 children if allowed to continue to serve as a priest and faculty member of Seattle University  
 22 and a resident of the Province's Seattle Community.

23  
**Negligence**

24  
 25 4.4 Defendants negligently hired and negligently supervised and retained Toulouse  
 26 as a priest when they knew or should have known of Toulouse's unfitness to work with  
 minors, his pedophilia tendencies and his actual sexual abuse of young children.

4.12 Toulouse's violations of RCW 9.68A, the Sexual Exploitation of Children Act, were done with the Defendants' knowledge and acquiescence. Accordingly, under RCW 9A.08.030, Defendants also violated RCW 9.68A.

## **Respondent Superior**

4.13 Plaintiff re-alleges the paragraphs set forth above.

4.14 During the relevant time period, the sexual abuse of minors by Toulouse and other Jesuits and Roman Catholic priests was so pervasive that it cannot be said his misconduct was unforeseen or so far outside the predictable behavior to prevent the Defendant Oregon Province of the Society of Jesus and Seattle Community from being vicariously liable for such conduct. Defendants' acquiescence amounted to actual authority for certain misconduct by Toulouse, and these Defendants are directly and vicariously liable for the conduct of Toulouse as described herein.

4.15 The Defendants required Father Michael Toulouse to provide to his superiors all of his earnings, assets, entitlements and bequests, and he did so. These earnings, assets, entitlements and bequests were fraudulently conveyed to his Superiors to the detriment of the Plaintiff, and the Defendant Society of Jesus is therefore directly and vicariously liable for each of Toulouse's wrongful acts toward the Plaintiff.

## **Fraudulent Concealment**

4.16 Plaintiff re-alleges the paragraphs set forth above.

4.17 Defendants engaged in a plan of action to cover up and otherwise conceal incidents of sexual abuse of minors by priests which prevented disclosure, prosecution and civil litigation including but not limited to: denial of abuse; reassignment and/or transfer of abuse of priests; coercion of victims and their families; and, failure to seek out and redress victims and their injuries.

4.18 Defendants failed to take proper measures, including removing Toulouse from the faculty and ministry, limiting his exposure to children, properly monitoring him, and assisting his victims, after they received complaints of his sexual abuse of adolescent boys.

4.19 As a direct and proximate result of the Oregon Province's acts and omissions, the Plaintiff was sexually assaulted, molested and otherwise sexually exploited by Michael Toulouse. The Plaintiff suffered and continues to suffer damages for pain and suffering, extreme physical and emotional and psychological distress and other general and special damages in the amount to be proven at trial.

## V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff Prays that the Court enter a judgment against the Defendants on his behalf, for the following:

1. For special damages resulting from medical and psychological treatments, lost earning and lost earning capacity and the expenses of medication and other special expenses, both in the past and continuing into the future in amounts to be determined at the time of trial;

2. For all general damages regarding physical, mental and emotional upset and disturbance and behavior disorders resulting from the acts complained of herein;

3. For such attorneys fees, prejudgment interest, costs and exemplary damages as may be provided by law; including RCW 9.68A.130; and

\* \* \*

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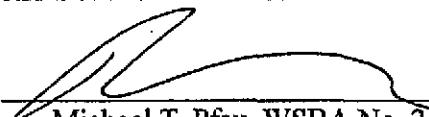
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1  
2 4. For such other and further relief as this Honorable Court determines as just and  
equitable.  
3  
4

Dated this 17th day of October, 2008.

5 GORDON, THOMAS, HONEYWELL, MALANCA,  
6 PETERSON & DAHEIM LLP  
7

By 

8 Michael T. Pfau, WSBA No. 24649  
Attorneys for Plaintiff  
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COMPLAINT FOR DAMAGES - 11 of 11  
[195439]

LAW OFFICES  
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6 SUPERIOR COURT OF THE STATE OF WASHINGTON  
7 FOR KING COUNTY

8 J.E., an individual,

9 Plaintiff,

10 vs.

11 SOCIETY OF JESUS, OREGON PROVINCE,  
12 an Oregon Corporation; SEATTLE  
13 UNIVERSITY, a Washington corporation,  
14 Defendants.

15 NO. 08-2-35987-5 SEA

16 ACCEPTANCE OF SERVICE

17 STATE OF WASHINGTON )  
18 ) ss;  
19 COUNTY OF KING )

20 Mary Colleen Kinerk, of Cable Langenbach Kinerk Bauer LLP, attorney for  
21 Defendant Seattle University herein, being first duly sworn, acknowledges and accepts service  
22 of the Summons, Complaint for Damages and Order Setting Civil Case Schedule on behalf of  
23 said Defendant on October       , 2008, said pleadings having been filed with the King  
24 County Superior Court on October 17, 2008.

25 Dated this 10 day of October, 2008.  
*mauer*

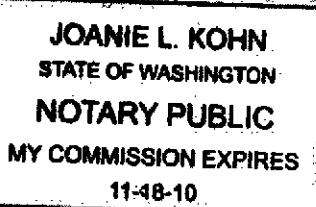
26 **Cable Langenbach Kinerk Bauer LLP**

*Colleen Kinerk*  
27 M. Colleen Kinerk, WSBA #7676  
28 Attorney for Defendant Seattle University

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1 SUBSCRIBED AND SWORN TO before me this 10<sup>th</sup> day of October, 2008.

*November*



*Joanie L. Kohn*

(Type/Print Name above)

Notary Public in and for the State of

Washington, residing at SEATTLE

My appointment expires: 11-18-10

ACCEPTANCE OF SERVICE - 2 of 2  
[195768 v01.doc]

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SEATTLE, WASHINGTON 98101-4186  
(206) 576-7500 - FACSIMILE (206) 676-7575

1 HONORABLE MICHAEL FOX  
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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF KING

9 J.E., an individual,

10 Plaintiff,

11 vs.

12 SOCIETY OF JESUS, OREGON  
13 PROVINCE, an Oregon corporation;  
14 SEATTLE UNIVERSITY, a Washington  
15 corporation,

Defendants.

16 NO. 08-2-35987-5 SEA

17 NOTICE OF  
18 APPEARANCE

19 CLERK'S ACTION  
20 REQUIRED

21 TO: Plaintiff above-named

22 AND TO: Michael T. Pfau, Gordon Thomas Honeywell Malanca Peterson  
& Daheim LLP

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that Colleen Kinerk of  
the firm of Cable, Langenbach, Kinerk & Bauer, LLP hereby appears in the above-entitled  
cause on behalf of the defendant Seattle University, and requests that all further papers and  
pleadings herein, except original process, be served upon the undersigned attorney at the  
address below stated.

NOTICE OF APPEARANCE - 1

23 CABLE, LANGENBACH,  
24 KINERK & BAUER, LLP  
25 SUITE 3500  
26 1000 SECOND AVENUE  
27 SEATTLE, WASHINGTON 98104-1048  
(206) 292-8800

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5 DATED this 10<sup>th</sup> day of November, 2008.  
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CABLE, LANGENBACH, KINERK & BAUER, LLP

By: Colleen Kinerk  
Colleen Kinerk, WSBA #7676  
[ckinerk@cablelang.com](mailto:ckinerk@cablelang.com)  
Attorneys for Defendant Seattle University  
1000 Second Avenue, Suite 3500  
Seattle, Washington 98104-1048  
(206) 292-8800

NOTICE OF APPEARANCE - 2

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KINERK & BAUER, LLP  
SUITE 3500  
1000 SECOND AVENUE  
SEATTLE, WASHINGTON 98104-1048  
(206) 292-8800

The Honorable Michael Fox

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING

J.E., an individual,

**Plaintiff,**

No. 08-2-35987-5 SEA

VS.

SOCIETY OF JESUS, OREGON  
PROVINCE, an Oregon Corporation;  
SEATTLE UNIVERSITY, a Washington  
corporation.

**NOTICE OF REMOVAL TO  
UNITED STATES DISTRICT  
COURT**

### Defendants.

TO: The Clerk of King County, State of Washington;

TO: Plaintiff J.E. and his attorneys, Michael T. Pfau, Pfau Cochran Vertetis Kosnoff, PLLC, 701 Fifth Avenue #4750, Seattle, WA 98104; Michelle Menely, Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim, LLP 600 University St., Suite 2100, Seattle, WA 98101-4185; F. Mike Shaffer, Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim, LLP, 1201 Pacific Avenue, Suite 2100 Tacoma, WA 98402; and

TO: Defendant Seattle University and its attorney, Colleen Kinerk, Cable, Langenbach, Kinerk & Bauer, LLP, 1000 Second Avenue, Ste. 3500, Seattle, WA 98104-1048

PLEASE TAKE NOTICE that, on February 17, 2009 (the "Petition Date"),

23 Defendant Society of Jesus, Oregon Province (the “Province”) filed a voluntary petition for  
24 relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. sections 101 *et seq.*  
25 (the “Bankruptcy Code”) in the United States Bankruptcy Court for the District of Oregon,  
26 Portland Division. The Province’s Chapter 11 case is being administered under Case

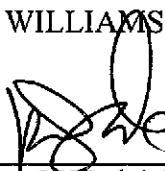
**NOTICE OF REMOVAL TO UNITED STATES  
DISTRICT COURT - 1**

SCHWABE, WILLIAMSON & WYATT, P.C.  
Attorneys at Law  
US Bank Centre  
1420 5th Ave., Suite 3010  
Seattle, WA 98101  
Telephone 206.622.1711 Fax 206.292.0460

1 No. 09 30938-ELP. The assigned Judge is the Honorable Elizabeth L. Perris. Pursuant to 28  
2 U.S.C. section 1452, the Society of Jesus, Oregon Province defendant has removed  
3 plaintiffs' "claim or cause of action" to the United States District Court for the Western  
4 District of Washington as "the district court for the district where [plaintiffs'] civil action is  
5 pending." 28 U.S.C. § 1452. All further actions in this matter are hereby stayed pursuant to  
6 28 U.S.C. section 1452, 11 U.S.C. section 362(a), and Bankruptcy Rule 9027. A copy of the  
7 Notice of Removal filed in the United States District Court for the Western District of  
8 Washington is attached for reference.

9 Dated this 27th day of February, 2009.

10 SCHWABE, WILLIAMSON & WYATT, P.C.

11 By: 

12 Thomas V. Dulcich, WSBA #13807  
13 Renea I. Saade, WSBA #30044  
14 Attorneys for Defendant  
15 Society of Jesus, Oregon Province

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**NOTICE OF REMOVAL TO UNITED STATES  
DISTRICT COURT - 2**

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## CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of February, 2009, I caused to be served the foregoing **NOTICE OF REMOVAL TO UNITED STATES DISTRICT COURT** on the following party at the following address:

Michael T. Pfau, Esq. (by hand)  
Pfau Cochran Vertetis Kosnoff, PLLC  
701 Fifth Avenue #4750  
Seattle, WA 98104

Michelle Menely, Esq. (by hand)  
Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim, LLP  
600 University St., Suite 2100  
Seattle, WA 98101-4185

F. Mike Shaffer, Esq. (by mail)  
Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim, LLP  
1201 Pacific Avenue, Suite 2100  
Tacoma, WA 98402

**Counsel for Plaintiff**

Colleen Kinerk, Esq. (by hand)  
Cable, Langenbach, Kinerk & Bauer, LLP  
1000 Second Avenue, Ste. 3500  
Seattle, WA 98104-1048

## **Counsel for Seattle University**

by:

- U.S. Postal Service, ordinary first class mail
- U.S. Postal Service, certified or registered mail, return receipt requested
- hand delivery
- facsimile
- electronic service
- other (specify)

Renea Saade

**CERTIFICATE OF SERVICE - 1**

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